

<b>MARGARET LITTMAN and</b>	)	
<b>JENNIFER CHESAK</b>	)	
	)	
<b>PLAINTIFFS,</b>	)	
	)	
<b>V.</b>	)	
	)	<b>Case No. 3:24-cv-00194</b>
<b>UNITED STATES DEPARTMENT OF</b>	)	
<b>LABOR; JULIE SU, as the acting U.S.</b>	)	
<b>Secretary of Labor; ADMINISTRATOR</b>	)	
<b>JESSICA LOOMAN, as head of U.S.</b>	)	
<b>Department of Labor’s Wage and Hour</b>	)	
<b>Division; and U.S. DEPARTMENT OF</b>	)	
<b>LABOR WAGE AND HOUR DIVISION</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

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**PLAINTIFFS’ CROSS-MOTION FOR SUMMARY JUDGMENT**

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Plaintiffs move pursuant to Federal Rule of Civil Procedure 56 for summary judgment. Specifically, Plaintiffs request the Court set aside the United States Department of Labor’s 2024 Final Rule entitled “Employee or Independent Contractor Classification Under the Fair Labor Standards Act,” 89 Fed. Reg. 1638 (codified at 29 C.F.R. Part 795) as unlawful under the Administrative Procedure Act. 5 U.S.C. § 706(2). Plaintiffs’ Motion is supported by (1) Plaintiffs’ Combined Memorandum in Support of Cross-Motion for Summary Judgment, Opposition to Defendants’ Cross-Motion to Dismiss or, in the Alternative, for Summary Judgment, and Reply in Support of Plaintiffs’ Motion for Preliminary Injunction, and (2) Plaintiffs’ Statement of Undisputed Material Facts.

Plaintiffs submit this Motion and supporting Memorandum in accordance with the Court’s Scheduling Order issued on March 27, 2024. ECF No. 23.

DATED: April 5, 2024

Respectfully submitted,

s/ Wencong Fa  
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*Attorneys for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2024, I submitted the foregoing **PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT** to the Clerk of the Court via the District Court's CM/ECF system, which served the document on John T. Lewis, who is counsel for the defendants in this case.

s/ Wencong Fa  
Wencong Fa  
Counsel for Plaintiffs